

“Agreement among the States to Elect the President by National Popular Vote”

June 9, 2018

The National Popular Vote bill would guarantee the Presidency to the candidate who receives the most popular votes in all 50 states and the District of Columbia. The bill would ensure that every vote will be equal throughout the U.S. and that *every* vote, in *every* state, will matter in *every* presidential election.

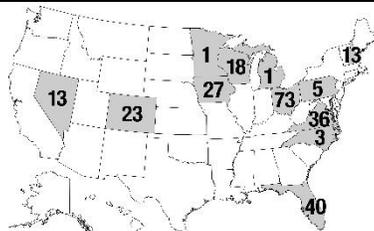
Since 2006, the bill has been enacted into law in 12 states possessing 172 electoral votes, including 4 small jurisdictions (RI, VT, HI, DC), 4 medium-sized states (CT, MD, MA, WA), and 4 large states (NJ, IL, NY, CA). The bill will take effect when enacted by states with 98 more electoral votes. The bill has already passed at least one chamber in 11 additional states with 89 more electoral votes, including approvals by the New Mexico Senate, Oregon House, Arizona House, Oklahoma Senate, and unanimous committee votes in two other states (GA, MO). A total of 3,125 state legislators from all 50 states have endorsed it.

The shortcomings of the current system of electing the President stem from “winner-take-all” laws that have been enacted by state legislatures in 48 states. These laws award all of a state’s electoral votes to the candidate receiving the most popular votes in each state.

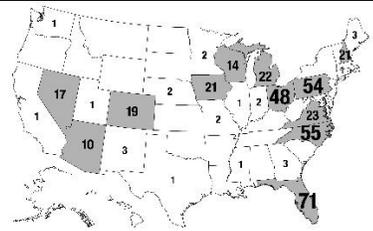
Because of these state winner-take-all laws, five of our 45 Presidents have come into office without winning the most popular votes nationwide. Near-misses are also common. In 2004, a shift of 59,393 votes in Ohio would have defeated President George W. Bush despite his nationwide lead of over 3,000,000 votes. The national popular vote winner would also have been defeated by a shift of 9,246 votes in 1976, a shift of 77,726 in 1968, a shift of 9,212 in 1960, a shift of 20,360 in 1948, and a shift of 1,711 votes in 1916.

Another effect of state winner-take-all laws is that presidential candidates have no reason to campaign in, advertise in, or pay attention to voters in states where they are safely ahead or hopelessly behind. In 2012, *all* of the general-election campaign events and virtually all expenditures were concentrated in the 12 states where Romney’s support was between 45% and 51%. Two-thirds of the events (176 of 253) were in just 4 closely divided “battleground” states (OH, FL, VA, IA). Thirty-eight states were ignored, including 12 of the 13 smallest states and almost all rural, agricultural, Western, Southern, and New England states. Similarly, in 2016, almost all campaign events (94%) were in the 12 states where Trump’s support was between 43% and 51%. Two-thirds of the events (273 of 399) were in 6 states (OH, FL, VA, NC, PA, MI).

Concentration of Campaign Events in 2012



Concentration of Campaign Events in 2016



The U.S. Constitution (Article II, Section 1) gives states exclusive control over awarding their electoral votes: “Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors....” The winner-take-all method of awarding electoral votes is state law. It is *not* in the U.S. Constitution. It was not debated at the 1787 Constitutional Convention or mentioned in the *Federalist Papers*. It was used by only three states in the first presidential election (and all three repealed it by 1800). It was not until the 11th presidential election (1828) that even half the states used winner-take-all laws.

The National Popular Vote interstate compact will go into effect when enacted by states possessing a majority of the electoral votes—that is, enough to elect a President (270 of 538). At that time, all of the presidential electors from all of the compacting states will be supporters of the presidential candidate receiving the most popular votes in all 50 states and DC. Because the compacting states possess at least 270 electors, the President will be the candidate receiving the most popular votes in all 50 states and DC.

The National Popular Vote bill retains the Electoral College and preserves state control of elections.

For additional information, see our book *Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote* (downloadable for free at www.NationalPopularVote.com).